IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

WEDNESDAY, THE 31ST JANUARY 2007 / 11TH MAGHA 1928

WP(C).No. 23492 of 2006(V)

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PETITIONER:

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BINDU.S, D/O.LATE P.K.REGHAVAN PILLAI,
AGED 30, RESIDING AT GAUREESAPATHAM,
ERUVA EAST P.O., KAYAMKULAM.

BY ADV. SRI.M.K.CHANDRA MOHANDAS

RESPONDENTS:

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1. THE KERALA PUBLI SERVICE COMMISSION,
REPRESENTED BY ITS SECRETARY, PATTOM,
THIRUVANANTHAPURAM.

2. THE SECRETARY, KERALA PUBLIC SERVICE
COMMISSION, PATTOM,
THIRUVANANTHAPURAM.

BY ADV. SRI.P.C.SASIDHARAN, SC, KPSC
SRI.P.B.SAHASRANAMAN
SRI.K.JAGADEESH
SRI.T.S.HARIKUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 31/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**K.K. DENESAN, J.**

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**W.P.(C) No. 23492 OF 2006 V**
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**Dated this the 31st January, 2007**

**J U D G M E N T**

The petitioner felt aggrieved by the initial stand taken by the Commission not to permit her to participate in the selection process for appointment to the post of Agricultural Assistant Grade II on the ground that she is a physically handicapped person, and therefore, not qualified to apply for the post. Learned counsel for the petitioner submitted that the stand taken by the Commission cannot be sustained since going by the qualifications prescribed for the post as per the special rules, physically handicapped persons cannot be totally excluded from the purview of selection and appointment. After entering appearance before this Court in this writ petition, the Commission reconsidered the initial stand taken and decided that physically handicapped persons cannot be excluded from the purview of selection without conducting appropriate test or verification in accordance with law. As a result of the above decision, the petitioner was called for interview and the Commission assessed her

eligibility and suitability for the post, and based on such assessment, has included her in the rank list. The rank list has got two sets and the petitioner's name finds a place against Sl. No. 330A of Part I of list II.

2. In the light of the above decision taken by the Commission, the reliefs prayed for in this writ petition do not survive. The writ petition has become infructuous and is disposed of reserving the right of the petitioner to challenge the rank assigned to her, in case she feels aggrieved by the assignment of rank as 330A in Part I of list II.

**K.K. DENESAN**
**JUDGE**

jan/